

GENERAL INFORMATION AND CRITERIA CHECKLIST
FOR THE
PROGRAMMATIC ENVIRONMENTAL REPORT
ON
SELECTED TEA PROJECTS

The Wisconsin Department of Transportation approved a Programmatic Environmental Report (PER) after public availability by making a Finding Of No Significant Impact (FONSI). The PER addressed certain projects developed under the Transportation Facilities Economic Assistance and Development (TEA) program as defined in s. 84.185 Wis.Stats. The PER is based on eighteen criteria, which, if met by a TEA project, would preclude the need to prepare a more detailed Environmental Report (ER) for that project. The criteria establish a screening gauge, against which the TEA project is measured to determine whether there is a need to prepare a separate ER. If a TEA project meets all eighteen criteria, it is not necessary to prepare a separate ER because it would be covered by the PER that meet the requirements of the Wisconsin Environmental Policy Act (WEPA).

If a TEA project does not meet the eighteen criteria, an individual ER is required. The individual ER requires approval by the Economic Planning and Development Section and the Bureau of Equity and Environmental Services (BEES) of the Wisconsin Department of Transportation (WisDOT).

The Criteria Checklist shown below should be used to determine if a project is covered by the PER or would require the preparation of an individual ER. If the "YES" box is checked for any one of the PER checklist questions, an individual ER will need to be prepared. TEA applicants should be aware that coordination with agencies other than WDNR and State Historical Society (SHS) may be necessary to determine whether to check the "NO" or "YES" box for any given checklist question. Any coordination with other agencies should also be maintained in the project's file, i.e. letters of correspondence.

An applicant for a TEA grant must send a copy of the completed checklist and copies of any correspondence received from DNR or SHS or any other state and federal agency and the statement of certification to the appropriate Regional Transportation Office to demonstrate that the TEA project meets the PER criteria. Otherwise, an individual ER needs to be prepared. WisDOT will take the lead to conduct all Native American outreach via informing all Tribes impacted within the specific county of the TEA project with a formal letter of notification. A 30-day comment will be afforded to the Tribes to react to the transportation project as it may or may not adversely effect historical and archaeological cultural resources.

It should be carefully noted that other factors, such as the level or degree of controversy, might require an individual ER for any given TEA project. **The Bureau of Equity and Environmental Services (BEES) shall be the final arbiter for determining whether the PER applies to a specific TEA project or whether an ER should be developed.**

GENERAL INFORMATION ABOUT THE PROPOSED TEA PROJECT

A) The proposed transportation facility to be developed or improved is:

- ☐ A highway or street as defined in s. 340.01 (22).
- ☐ A runway, taxiway or apron of an airport as defined in s. 114.002 (7).
- ☐ A harbor improvement as defined in s. 85.095 (1) (b).
- ☐ A rail industrial lead, spur, team track or trackside intermodal transfer facility.
- ☐ A segment of railroad track, if conditions under s. 84.185 (2) (c) are met.

B) The proposed action is:

- ☐ The development of a new facility.
- ☐ The development of a new bridge.
- ☐ The improvement of an existing facility by:
 - ☐ Reconstruction
 - ☐ Major Reconditioning
 - ☐ Minor Reconditioning
 - ☐ Resurfacing
 - ☐ Other rehabilitation - *Describe*
- ☐ The improvement of an existing bridge by:
 - ☐ Replacement at existing location
 - ☐ Rehabilitation of superstructure, substructure, or riding surface.
 - ☐ Re-decking
 - ☐ Other - *Describe*

C) The purpose of the proposed project is to improve:

- ☐ Ride quality
- ☐ Geometrics
- ☐ Safety
- ☐ Access to, from or within a commercial or industrial area.

PER CRITERIA CHECKLIST

- 1) An occupied residence will be displaced.

☐ NO ☐ YES

If yes is checked, ss. 32.185 to 32.27 Wis. Stats. apply.

- 2) A building occupied by a business or industry will be displaced.

☐ NO ☐ YES

If yes is checked, ss. 32.185 to 32.27 Wis. Stats. apply.

- 3) Additional access control will be needed to allow the proposed improvement to function effectively.

☐ NO ☐ YES

If yes is checked, additional public involvement may be necessary to address the controversy raised by those whose access is to be changed.

- 4) There will be acquisitions from farm operations outside the corporate limits of a municipality that are larger than five acres.

☐ NO ☐ YES

It should be noted that any acquisition or easement obtained by using or potentially using the powers of eminent domain towards a farm operation outside the corporate limits of a municipality, requires coordination with the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP). If the acquisition is over 5 acres from a farm operation, DATCP must prepare an Agricultural Impact Statement (AIS). See s. 32.035 Wis. Stats.

- 5) An individual Section 404 permit will be needed for any fill into any wetland, stream, lake, or other waters of the United States.

☐ NO ☐ YES

The federal Clean Water Act requires a permit for any fill into waters of the United States. The terms "fill" and "waters of the United States" are liberally interpreted.

- 6) The project encroaches into a floodplain.

☐ NO ☐ YES

Governor's Executive Order 79 and NR 116 that limits development in floodplains should be reviewed and the project evaluated from their perspective.

- 7) The project acquires land or affects the waters of a Wild or Scenic River.

☐ NO ☐ YES

There are both federal and State designated Wild and Scenic Rivers in Wisconsin having a high degree of protection.

- 8) The project will require a permit from the U.S. Coast Guard

☐ NO ☐ YES

Coast Guard permits are usually confined to waters that are commercially navigable.

- 9) The project affects an endangered species or its critical habitat.

☐ NO ☐ YES

The DNR Bureau of Endangered Species should be contacted to determine whether a species on the federal or State list of endangered species would be affected.

- 10) The project and the goals of the Coastal Zone Management Plan are inconsistent.

☐ NO ☐ YES

This is applicable only in counties located in Wisconsin's Coastal Zone, i.e., the counties bordering on Lakes Michigan and Superior and the Coastal Management Program in the Wisconsin Department of Administration should be contacted for information.

- 11) A building (either vacant or occupied) or other structure which is a significant cultural resource will be affected.

☐ NO ☐ YES

Cultural resources are significant only if they are on or potentially eligible for the National Register of Historic Places. The State Historical Society of Wisconsin's Division of Historic Preservation should be contacted.

- 12) An archeological survey has been conducted and:

a) An archeological site will be impacted.

☐ NO ☐ YES

b) A burial was discovered.

☐ NO ☐ YES

If yes to either a) or b), Lynn Cloud of BEES (608-266-0099) shall be contacted for appropriate action.

- 13) The project acquires lands under the protection of Section 6(f) of the Land And Water Conservation Act of 1965 (LAWCON or LWCF) or lands purchased or improved with Dingel/Johnson (Federal Aid in Fish Restoration Act) or Pittman/Robertson (Federal Aid in Wildlife Restoration Act) funds.

☐ NO ☐ YES

DNR's Bureau of Community Assistance should be contacted to determine if funds from any of the act were used either in the purchase or improvement of property.

- 14) Properties with hazardous materials or wastes will be acquired.

☐ NO ☐ YES

The applicant should have the land checked to determine whether hazardous substances affect the property.

- 15) The proposal will alter the viewscape by making significant changes to either the view from the project area or the view of the project area.

☐ NO ☐ YES

Aesthetic considerations are a requirement of WEPA and should be reviewed to avoid, minimize, or mitigate adverse controversy.

- 16) An Air Quality Notice of Intent to Construct or Modify is required.

☐ NO ☐ YES

Note: This issue applies only to the need for an air quality evaluation or permit for the proposed transportation improvement. If air quality was previously evaluated by WDNR's Bureau of Air Management for another aspect or facility within the established commercial or industrial area, it is assumed that the proposed transportation improvement was included as part of that evaluation and the "NO" box should be checked.

- 17) Traffic noise will increase and an analysis is required as per Administrative Rule TRANS 405.

☐ NO ☐ YES

TRANS 405 applies to highway and street projects. Similar consideration should be given to other TEA facilities development projects.

- 18) Construction work on the project will extend beyond normal working hours

☐ NO ☐ YES

Construction noise beyond normal working hours is a source of controversy.

STATEMENT OF CERTIFICATION
For
CONFORMANCE
With The
PROGRAMMATIC ENVIRONMENTAL REPORT
On
PROJECTS
In The
TRANSPORTATION FACILITIES ECONOMIC ASSISTANCE AND DEVELOPMENT
PROGRAM

The proposal described in Items A, B, and C of the General Information checklist is in conformance with the requirements of the Transportation Facilities Economic Assistance and Development (TEA) program as defined in s. 84.185 Wis. Stats.

I attest that the proposal meets all the criteria for the PER (all answers to items 1 through 18 of the PER Criteria Checklist are NO). It is therefore certified that the project is in conformance with the requirements of the National and Wisconsin Environmental Policy Acts and local environmental requirements.

Signed _____ Date _____
(Applicant)

Title: _____

Organization: _____

Address: _____

Concur _____ Date _____
(Transportation Region _____)